

# **EXHIBIT 8**

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**From:** Arrington, David L. [DArrington@djplaw.com]  
**Sent:** Wednesday, April 23, 2008 2:09 PM  
**To:** Gee, Carla  
**Subject:** RE: Ingenix

Okay

David L. Arrington  
Durham Jones & Pinegar  
111 East Broadway Suite 900  
PO Box 4050  
Salt Lake City, Utah 84110-4050  
Phone: 801.415.3000  
Fax: 801.415.3500  
darrington@djplaw.com

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**From:** Gee, Carla [mailto:Carla.Gee@ingenix.com]  
**Sent:** Tuesday, April 22, 2008 4:24 PM  
**To:** Arrington, David L.; Michael A Spinelli/AC/VCU  
**Cc:** Seare, Susan P  
**Subject:** RE: Ingenix

Let's use a call in -- since we will all be calling from different places.

888.844.7278  
9823251

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**From:** Arrington, David L. [mailto:DArrington@djplaw.com]  
**Sent:** Tuesday, April 22, 2008 4:24 PM  
**To:** Michael A Spinelli/AC/VCU  
**Cc:** Gee, Carla; Seare, Susan P  
**Subject:** RE: Ingenix

We will initiate the call. Many thanks.

David

David L. Arrington  
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Salt Lake City, Utah 84110-4050  
Phone: 801.415.3000  
Fax: 801.415.3500  
darrington@djplaw.com

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**From:** Michael A Spinelli/AC/VCU [mailto:maspinel@vcu.edu]  
**Sent:** Tuesday, April 22, 2008 3:00 PM  
**To:** Arrington, David L.

**Cc:** Carla Gee; Susan Seare  
**Subject:** RE: Ingenix

Tuesday 10:30 to Noon EST would work. I assume the call would be made at 10:30AM?

"Arrington, David L." <DArrington@djplaw.com>

04/22/2008 04:56 PM

To "Michael A Spinelli/AC/VCU" <maspinel@vcu.edu>, "Carla Gee" <carla.gee@ingenix.com>  
cc "Susan Seare" <sseare@ingenix.com>  
Subject RE: Ingenix

Thank you. Unfortunately, those needed for the conference from Ingenix are traveling at that time. We suggest Monday 1;30-5;00 EST or Tuesday 10;30 am-noon EST. Will one of these options work. Many thanks.

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Michael A Spinelli/AC/VCU [mailto:maspinel@vcu.edu]  
Sent: Tuesday, April 22, 2008 02:33 PM Mountain Standard Time  
To: Arrington, David L.  
Subject: RE: Ingenix

David,

I left a message this morning on your voice mail suggesting Thursday at 1:00 PM Eastern Daylight Time for us to talk about the issues. If this is OK, let me know.

Michael

"Arrington, David L." <DArrington@djplaw.com>

04/21/2008 08:00 PM

To "Michael A Spinelli/AC/VCU" <maspinel@vcu.edu>  
cc  
Subject RE: Ingenix

Thank you for contacting me. Let me know a good time to discuss your questions? Feel free to call me and I will arrange a time to speak with appropriate Ingenix representatives and myself. This should occur well before May 1. Grazie mille.

David L. Arrington  
Durham Jones & Pinegar  
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From: Michael A Spinelli/AC/VCU [mailto:maspinel@vcu.edu]  
Sent: Sunday, April 20, 2008 2:18 PM  
To: Arrington, David L.  
Subject: Fw: Ingenix

----- Forwarded by Michael A Spinelli/AC/VCU on 04/20/2008 04:15 PM -----  
Michael A Spinelli/AC/VCU

04/20/2008 04:15 PM

To darrington@jplaw. com  
cc  
Subject Ingenix

Greetings David,

You recall that I have been working closely with Chuck Midkiff using the underlying Ingenix data to defend workers compensation cases in Virginia.

I have been retained as an expert consultant with Nossaman et.al. in Los Angeles to support and defend the Ingenix methodology for determining the prevailing rate for medical services. Attorney Jim Vorhis sent me your power point presentation. I have been reviewing it and have several questions. The underlying principle is that the sampling of charges should be sufficient in number and representative of the area in which the services were provided. Ideally it would be a random sample, however, most likely it is a convenience sample. If you would be kind enough to respond to the issues I have below.

1. What is the definition of a "record."?
2. Is it true that you have only data for professional services and no data for hospital charges?
3. Who are some of your 100 contributors? Are they individual providers or institutions? To what extent has there been a study to determine how representative these contributors are amongst the total population of medical providers? In other words, do you have providers from clinics, government facilities, hospital, physical therapy offices, both large and small offices...Can you send me the list of contributors?
4. Are the providers aware that reimbursement is made based upon the service provided as defined by the CPT code, regardless of the reputation and speciality?
5. What are the incentives for the contributors to provide the data?
6. The data are updated four times a year and trended. Would you be specific as to how the trending is utilized?
7. You have complete and adequate charge data for only 400 of the 8700 CPT codes. Could you send me a list of the 400 codes?
8. What is your basis for grouping the codes? Is this solely for codes in which there are low frequencies? Do you use the derived charges just for the codes in which there are low frequencies or do you use them for all of the codes?
9. In the power point, there is a chart for code 99213. Would you use this underlying data to determine the percentiles or would you use the derived charges?
10. Have you compared the results of your methodology with other companies that have provide similar services?
11. If I am to defend Ingenix, how can I be convinced that the billing charges in your data base accurately reflect the charges of the providers in the communities where services were provided? How can I defend the derived charges methodology for codes in which there are very few or no actual charges?
12. According to Attorney General Cuomo in New York, Ingenix deletes a large number of high fees from the data base so the customary charges are lower? Do you delete any charges from the submitted charges, either at the low end or the high end?

I am sure I have other questions and issues. My phone number is 804 262-1603

Thank you.

Michael Spinelli

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